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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,143	05/11/2001	Ye Wang	944-001.047	6804

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,143

Applicant(s)

WANG ET AL

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 11 is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Oath/Declaration

2. The full name of each inventor (family name and at least one given name together with any initial) has not been set forth.

The oath or declaration is not signed by Mauri Vaananen and Leonid Yaroslavsky.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 10, and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamori et al (US Patent No. 5,737,720) in view of Chen et al, "Video Compression Using Integer DCT", Image Processing, 2000, Proceedings 2000 International Conference, vol. 2, pages 844-845.

Regarding claims 1-8, 10, and 12-17, Miyamori teaches low bit rate multichannel audio coding methods using non-linear adaptive bit allocation. Specifically, Miyamori teaches coding

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audio signals in a sound system having plurality of sound channels for providing M sets of audio signals from input signals, wherein a plurality of intra-channel signal redundancy removal devices are used to reduce the audio signal for providing first signals indicative of the reduced audio signals at col. 7, line 8 continuing to col. 9, line 60.

Additionally, Miyamori teaches:

converting the first audio signals to second signals at col. 9, lines 28-37,

implementation of a modified discrete cosine transform at col. 8, line 54 continuing to col. 9, line 20,

groups of multiple channels at col. 16, lines 8-12,

accounting for the characteristic of the hearing sense of humans at col. 9, line 28-30; col. 15, lines 3-11,

transmission or storage of the coded audio at col. 8, lines 3-5.

Miyamori does not specifically teach implementation of reducing the inter-channel signal redundancy in second signals of integers. However, data reduction of integers was well known in the art.

In a similar field of endeavor, Chen teaches data compression or coding using an integer discrete cosine transform (pages 844-845). Chen teaches that the integer DCT can be implemented in a MPEG coder, is reversible, and is very suitable for source coding, and communication in a mobile environment.

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the coding system of Miyamori to implement an integer DCT, as taught by Chen, for

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the purpose of improving the performance of the coder and to provide for implementation in a mobile environment.

Response to Arguments

4. Applicant's arguments filed May 27, 2003 have been fully considered but they are not persuasive.

Although applicant argues that Figure 2 was obtained from a co-pending application and would not be considered prior art, the Examiner contends that although the figure is a part of the disclosure of another pending application that was not published, the figure is prior art because only that which is old is illustrated.

Applicant argues the Examiner fails to address the issue of inter-channel signal redundancy. Applicant further argues Chen does not disclose or suggest inter-channel signal redundancy removal. In response, the Examiner argues a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this instance, since Miyamori was cited as teaching a low bit rate multichannel audio coding methods using non-linear adaptive bit allocation, with coding audio signals in a sound system having plurality of sound channels for providing M sets of audio signals from input signals, wherein a plurality of intra-channel signal redundancy removal

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devices are used to reduce the audio signal for providing first signals indicative of the reduced audio signals and also converting the first audio signals to second signals, and Chen was cited as providing the data reduction of the second set of signals of integers with the implementation of the well known technique of an IntDCT, the combination of the prior art would perform the same functionality or intended use of "inter-channel signal redundancy."

Allowable Subject Matter

5. Claims 9 and 11 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
August 9, 2003

Vijay Chawan 8/11/03

**VIJAY CHAWAN
PRIMARY EXAMINER**